

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 211/AT/2021

Subject : Petition under Section 63 of the Electricity Act, 2003 for adoption of tariff for the 2000 MW Solar Power Projects (Tranche-IX) connected to the Inter-State Transmission System (ISTS) and selected through Competitive Bidding Process as per the Guidelines dated 3.8.2017 of Ministry of Power, Government of India.

Date of Hearing : 11.11.2021

Coram : Shri P. K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Petitioner : Solar Energy Corporation of India Limited (SECI)

Respondents : Avikiran Surya India Private Limited and 9 Ors.

Parties Present : Shri M. G. Ramachandran, Sr. Advocate, SECI
Ms. Tanya Sareen, Advocate, SECI
Ms. Poorva Saigal, Advocate, SECI
Ms. Neha Singh, SECI
Shri Atulya Kumar Naik, SECI
Shri Shibasish Das, SECI
Shri Mudit Jain, SECI
Shri Vivek Kodesia, Eden Renewables
Shri Hitesh Sablok, Eden Renewables
Ms. Kanupriya Mehndiratta, Eden Renewables
Ms. Rakshika Kaul, Amp Energy Green
Ms. Jyotsna Khatri, Amp energy Green
Shri Sourya Choudhary, Amp Energy Green
Shri Abhilash Yadav, Amp Energy Green
Shri Ankur Sharma, Amp Energy Green

Record of Proceedings

Case was called out for virtual hearing.

2. The learned counsel for the Petitioner submitted that present Petition has been filed seeking adoption of tariff for 2000 MW solar power projects (Tranche-IX) selected through the competitive bid process as per the 'Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power from Grid Connected Solar Power Projects' dated 3.8.2017 issued by Ministry of Power, Government of India. The learned counsel further submitted that the Petitioner has impleaded all the selected developers and the buying entities as party to the Petition and notice may be issued in the matter.

3. In response to the specific query of the Commission regarding status of the Power Purchase Agreements ('PPAs') with the selected developers, the learned counsel submitted that presently, PPA has been signed for 300 MW with Thar Surya 1 Private Limited (Project Company of successful bidder-Avikiran Surya India Private Limited) on the basis of the corresponding capacity tied up under the Power Supply Agreements ('PSAs') with the buying utilities, namely BSES Rajdhani Power Limited (210 MW) and BSES Yamuna Power Limited (90 MW). The learned counsel further added that capacity of 100 MW has also been tied up with buying entity, Uttarakhand Power Corporation Limited. The Petitioner will apprise the Commission as and when the balance capacities are tied up and PPAs are executed with remaining developers or in case such capacities do not fructify. The learned counsel submitted that the Petitioner is, however, seeking adoption of tariff in respect of the entire 2000 MW solar power projects as SECI has issued Letters of Award (LoA) to all seven developers for entire 2000 MW capacity and it has been observed that the developers have been generally insisting upon the adoption of tariff in order to obtain the financial assistance to set up the projects.

4. The Commission observed that there appears to be inordinate delay in signing of PPAs and PSAs after conclusion of the bidding and issuance of LoAs to the developers despite LoAs being issued way back on 15.7.2020. As on date, the Petitioner has only placed on record PPAs and PSAs for the capacity of 300 MW out of 2000 MW. Such delays also lead to the question of validity of LoAs as on date. In response, the learned counsel for SECI submitted that delay in finalising PPAs and PSAs has occurred due to Covid-19 pandemic and nation-wide lockdown and that the agreements that have been entered into are all very recent i.e. in the year 2021 itself.

5. Considering the submissions made by the learned counsel for the Petitioner, the Commission ordered as under:

- (a) Admit. Issue notice to the Respondents.
- (b) The Petitioner to serve copy of the Petition on the Respondents immediately, if not already served and the Respondents to file their reply, if any, by 22.11.2021 after serving copy of the same to the Petitioner, who may file its rejoinder, if any, by 30.11.2021;
- (c) The Petitioner to clarify the following on affidavit by 24.11.2021:
 - (i) Status of LoAs issued in favour of selected developers, including their validity period, if any;
 - (ii) Status of compliances of the various terms and conditions specified in the LoAs by the selected developers;
 - (iii) Status of execution of PPAs and PSAs with the developers and the buying entities;
 - (iv) Reasons for inordinate delays in execution of the PPAs;
 - (v) Justification for seeking adoption of tariff for entire capacity of 2000 MW in absence of PPAs and PSAs beyond capacity of 300 MW; and

(d) Parties to comply with above directions with the specified timeline and no extension of time shall be granted.

6. The Petition shall be listed for hearing in due course for which separate notice will be issued.

By order of the Commission

**Sd/-
(T.D. Pant)
Joint Chief (Law)**